

PATENT 15W

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Patent Application of

Kevin P. Connors et al.

Application No.: 10/789,139

Filed: February 27, 2004

For: SYSTEM AND METHOD FOR
HEATING SKIN USING LIGHT TO
PROVIDE TISSUE TREATMENT

Confirmation No.: 9270

Group Art Unit: 3739

Examiner: Unknown

**SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT**

353 Sacramento Street, Suite 2200
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M/S AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail in an
envelope, addressed to: Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on Dec 23, 2004.
STALLMAN & POLLOCK LLP

Dated: 12/23/2004

By:

Georgia K. Stith

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

An effort has been made to provide the Examiner with material references. This effort has resulted in a relatively long list of references. These references include both the references listed in attached PTO-1449 form, and the references listed in the previous PTO-1449 form previously submitted in connection with the present application. Given the number of references provided in PTO-1449 forms, some selected references from the submitted PTO-1449 forms are shown in the shortened list immediately following this paragraph. This shortened list is not meant to exclude other references from consideration, and indeed should not be taken as a

Atty Docket No.: ALTU-1110

representation that other references identified in the submitted PTO-1449 forms are less material. However, as of the time of submission of the this Information Disclosure Statement, the references shown in the list below are believed by the undersigned to be worthy of highlighting by identification in this shorter list.

- US Patent 5,405,368, inventor Eckhouse; additional references are shown in the submitted PTO-1449 forms as having Eckhouse as an inventor, and these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- US Patent 5,660,836, inventor Knowlton; additional references are shown in the submitted PTO-1449 forms as having Knowlton as an inventor, and these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- US Patent 5,735,844, inventor Anderson; additional other references are shown in the submitted PTO-1449 forms as having Anderson as an inventor, and these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- US Patent No. 5,885,274, inventor Fullmer.
- US Patent Application 2002/0173780 A1, inventor Altshuler; additional references are shown in the submitted PTO-1449 forms as having Altshuler as an inventor, and these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- US Patent Application 2003/0057875 A1, inventor Inochkin et al.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.

- (c) ☒ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under §1.114.
- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO-1449 (Modified) are not supplied because they: (a) are either U.S. Patents or published U.S. patent applications; (b) are a U.S. patent application, the image of which is stored in the USPTO's file wrapper (IFW) system; or (c) were previously cited by or submitted to the Office in a prior application no. _____, filed _____, and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (h) ☒ not given
- (i) ☐ given for each listed item
- (j) ☐ given for only non-English language listed item(s) [Required]
- (k) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.


- ☒ The Commissioner is hereby authorized to charge our Deposit Account No. 50-1703, under Order No. ALTU-1110, for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the

above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: December 22, 2004

By: 
Brian J. Keating
Reg. No. 39,520

Attorneys for Applicant(s)



INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Docket Number (Optional)

ALTU-1110

Application Number

10/789,139

Applicant(s)

Kevin P. Connors et al.

Filing Date

February 27, 2004

Group Art Unit

Unknown

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Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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| INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i> | Docket Number (Optional) ALTU-1110 | Application Number 10/789,139 |
| | Applicant(s) Kevin P. Connors et al. | |
| | Filing Date February 27, 2004 | Group Art Unit Unknown |

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| | Filing Date February 27, 2004 | Group Art Unit Unknown |

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| | Applicant(s) Kevin P. Connors et al. | |
| | Filing Date February 27, 2004 | Group Art Unit Unknown |

OTHER DOCUMENTS
(Including Author, Title, Date, Pertinent Pages, Etc.)

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| | ER | Press Release, "New Laser Eliminates 'Lipstick Bleed,'" 3 pages in length. |
| | ES | J. Ruiz-Esparza et al., "Nonablative Radiofrequency for Active Acne Vulgaris: The use of Deep Dermal Heat in the Treatment of Moderate to Severe Active Acne Vulgaris (Thermotherapy): A Report of 22 Patients," <i>Dermatol Surg.</i> , Vol. 29, No. 4, April 2003, pp. 333-339. |
| | ET | Spectrum Medical Technologies, Inc., an operator's manual written by Lasermetrics, Inc., exclusively for Spectrum Medical Technologies, Inc., "Q-Switched Ruby Laser System Model RD-1200, 23 pages in length. |
| | EU | E.R. Squibb & Sons, "Lasers Light the Way to New Research Concepts in Science Industry Medicine," 33 pages in length. |
| | EV | R. Tanino et al., "Development of Ruby Laser System for Medical Use," <i>Journal of the Japanese Society for Laser Surgery and Medicine</i> , Vol. 11, No. 4, 4 March 1991, pp. 93-98. |
| | EW | K. Iwasaki et al., (Abstract) "Development of Laser Systems for Treatment of Hyperpigmented Skin Lesions," <i>Publication unknown - entire article is in Japanese except for the Abstract</i> , revised March 1, 1989, pp. 26-34 (Abstract appears on page 34). |
| | EX | Brochure by Palomar EsteLux™, "Pulsed-Light System," website http://www.palmed.com/laser_estelux.html , printed July 15, 2003, 3 pages in length. |
| | EY | Brochure by SCITON, "PROFILE™ Combination Long Pulse Erbium and Long Pulse Nd:YAG 1064," website http://www.sciton.com/public/profile.htm , printed July 15, 2003, 2 pages in length. |
| | EZ | Brochure by Lumenis Aesthetic, "VascuLight™ The World's Most Versatile System for Aesthetic Procedures," website http://www.aesthetic.lumenis.com/wt/content/vasculight , printed July 15, 2003, 2 pages in length. |
| | FA | Brochure by Lumenis, "VASCULight™ ELITE [Versatility and Speed for the Ultimate Aesthetic System]," Copyright 2002, the Lumenis group of companies, 2 pages in length. |
| | FB | Brochure by Lumenis, "VASCULight™ VS [Versatility and Speed for the Ultimate Aesthetic System]," Copyright 2002, the Lumenis group of companies, 2 pages in length. |
| | FC | Brochure by Lumenis, "VASCULight™ SR [Versatility and Speed for the Ultimate Aesthetic System]," Copyright 2002, the Lumenis group of companies, 2 pages in length. |
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